

# **EXHIBIT B**

**DEFENDANTS' PROPOSED VERDICT FORM**

**I. Quincy Bioscience Holding Company, Inc.**

**Issue A: New York General Business Law § 349**

As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:

- (1) that Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Quincy Bioscience Manufacturing, LLC and Prevagen, Inc. (collectively, referred to as "Quincy Bioscience") engaged in an act or practice that is deceptive or misleading in a material way;
- (2) that consumers suffered injury as a result; and
- (3) that the alleged deceptive business practices were aimed at consumers.

**1. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience Holding Company, Inc. engaged in an act or practice that is deceptive or misleading in a material way?**

**YES        NO**

*If you responded NO to Question 1, please proceed to Issue B.*

*If you responded YES to Question 1, please proceed to Question 2.*

**2. Which of the following claims do you find to be deceptive or misleading in a material way?**  
**Prevagen improves memory**

**1. Do you find that Quincy Bioscience relied upon "competent and reliable scientific evidence," defined as "tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results"?**

**Prevagen is clinically shown to improve memory**

**Prevagen improves memory within 90 days**

**Prevagen is clinically shown to improve memory within 90 days**

**Prevagen reduces memory problems associated with aging**

~~Prevagen is clinically shown to reduce memory problems associated with aging~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims).~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

*If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.*

*If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5.*

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging~~ \_\_\_\_\_

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

5. ~~For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that consumers suffered an injury as a result of those claims?~~

~~YES~~ \_\_\_\_\_ ~~NO~~ \_\_\_\_\_

*If you responded ~~NO~~YES to Question 5, please proceed to Issue B.*

*If you responded NO to Question 1, please proceed to Question 2.*

*If you responded YES to Question 5, please proceed to Question 6.*

6. ~~Do you find that Plaintiff established by a preponderance of the evidence that the alleged deceptive business practices were aimed at consumers?~~

~~YES~~ \_\_\_\_\_ ~~NO~~ \_\_\_\_\_

*Please proceed to Issue B.*

**Issue B: New York General Business Law § 350**

~~As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:~~

- ~~1) that an advertisement disseminated by Quiney Bioscience Holding Company, Inc. had an impact on consumers at large;~~
- ~~(2) was deceptive or misleading in a material way; and~~
- ~~(3) resulted in injury to consumers.~~

~~1. Do you find that Plaintiff established by a preponderance of the evidence that Quiney Bioscience Holding Company, Inc. disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large?~~

~~YES NO~~

*~~If you responded YES to Question 1, please proceed to Question 2.~~*

~~2. Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims).~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

*If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.*

*If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5.*

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging~~ \_\_\_\_\_

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

5. ~~For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that the claims resulted in injury to consumers?~~

~~YES~~ \_\_\_\_\_ ~~NO~~ \_\_\_\_\_

| *Please proceed to the next page.*

**H. Quincy Bioscience, LLC**

**Issue A: New York General Business Law § 349**

~~As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:~~

- ~~(1) that Quincy Bioscience, LLC engaged in an act or practice that is deceptive or misleading in a material way;~~
- ~~(2) that consumers suffered injury as a result; and~~
- ~~(3) that the alleged deceptive business practices were aimed at consumers.~~

42. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience, LLC engaged in an act or practice that is deceptive or misleading in a material way?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If you responded NO to Question 42, please proceed to Issue B.*

*If you responded YES to Question 42, please proceed to Question 23.*

23. Which of the following claims do you find to be deceptive or misleading in a material way?

Prevagen improves memory \_\_\_\_\_

Prevagen is clinically shown to improve memory \_\_\_\_\_

Prevagen improves memory within 90 days \_\_\_\_\_

Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_

Prevagen reduces memory problems associated with aging \_\_\_\_\_

Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

34. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 23? Please indicate YES or NO with respect to each claim that you selected in Question 23 (and only those claims).

Prevagen improves memory \_\_\_\_\_

Prevagen is clinically shown to improve memory \_\_\_\_\_

Prevagen improves memory within 90 days \_\_\_\_\_

Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_

Prevagen reduces memory problems associated with aging \_\_\_\_\_

Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

*If you answered YES to any of the claims identified in Question 34, you have identified implied claims. Please proceed to Question 45.*

*If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 56.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5 and 6.*

45. For the claims to which you answered YES in Question 34 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.

Prevagen improves memory \_\_\_\_\_

Prevagen is clinically shown to improve memory \_\_\_\_\_

Prevagen improves memory within 90 days \_\_\_\_\_

Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_

Prevagen reduces memory problems associated with aging \_\_\_\_\_

| Prevagen is clinically shown to reduce memory problems associated  
with aging \_\_\_\_\_

Prevagen provides other cognitive benefits, including but not limited to healthy  
brain function, a sharper mind, and clearer thinking \_\_\_\_\_

Prevagen is clinically shown to provide other cognitive benefits, including but not  
limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

| **56.** For the claims to which you answered NO in Question 34 (i.e. express claims) and YES in  
Question 45 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic  
evidence), do you find that Plaintiff established by a preponderance of the evidence that  
consumers suffered an injury as a result of those claims?

YES \_\_\_\_\_ NO \_\_\_\_\_

| *If you responded NO to Question 56, please proceed to Issue B.*

| *If you responded YES to Question 56, please proceed to Question 67.*

| **67.** Do you find that Plaintiff established by a preponderance of the evidence that the alleged  
deceptive business practices were aimed at consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

| *If you responded YES to Question 7, please proceed to Question 8.*

| **8. Which of the Quincy Bioscience entities do you find engaged acts that were deceptive or  
misleading in a material way:**

Quincy Bioscience Holding Company, Inc. \_\_\_\_\_

Quincy Bioscience, LLC \_\_\_\_\_

Quincy Bioscience Manufacturing, LLC \_\_\_\_\_

Prevagen, Inc. \_\_\_\_\_

| *Please proceed to Issue B.*

**Issue B: New York General Business Law § 350**

As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:

- (1) that an advertisement disseminated by Quincy Bioscience,LLC Holding Company, Inc., Quincy Bioscience, LLC, Quincy Bioscience Manufacturing, LLC, and Prevagen Inc. (collectively referred to as “Quincy Bioscience”) had an impact on consumers at large;
- (2) was deceptive or misleading in a material way; and
- (3) resulted in injury to consumers.

1. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience, LLC disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large? relied upon “competent and reliable scientific evidence,” defined as “tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results”?

**YES NO**

*If you responded YES to Question 1, please proceed to Question 2.*

2. Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?

Prevagen improves memory \_\_\_\_\_

Prevagen is clinically shown to improve memory \_\_\_\_\_

Prevagen improves memory within 90 days \_\_\_\_\_

Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_

Prevagen reduces memory problems associated with aging \_\_\_\_\_

Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

- ~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims).~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

*If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.*

*If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5.*

- ~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging~~ \_\_\_\_\_

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that the claims resulted in injury to consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

| *Please proceed to the next page.*

**III. Prevagen, Inc., a corporation d/b/a Sugar River Supplements**

**Issue A: New York General Business Law § 349**

~~As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:~~

- (1) ~~that Prevagen, Inc., a corporation d/b/a Sugar River Supplements engaged in an act or practice that is deceptive or misleading in a material way;~~
- (2) ~~that consumers suffered injury as a result; and~~
- (3) ~~that the alleged deceptive business practices were aimed at consumers.~~

~~1. Do you find that Plaintiff established by a preponderance of the evidence that Prevagen, Inc., a corporation d/b/a Sugar River Supplements engaged in an act or practice that is deceptive or misleading in a material way?~~

YES  NO

*If you responded NO to Question 1, please proceed to Issue B.*

*If you responded YES to Question 1, please proceed to Question 2.*

~~2. Which of the following claims do you find to be deceptive or misleading in a material way?~~

~~Prevagen improves memory~~

~~Prevagen is clinically shown to improve memory~~

~~Prevagen improves memory within 90 days~~

~~Prevagen is clinically shown to improve memory within 90 days~~

~~Prevagen reduces memory problems associated with aging~~

~~Prevagen is clinically shown to reduce memory problems associated with aging~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims).~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

*If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.*

*If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5.*

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

5. ~~For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that consumers suffered an injury as a result of those claims?~~

YES \_\_\_\_\_ NO \_\_\_\_\_

*If you responded YES to Question 1, please proceed to Question 2.*

*If you responded NO to Question 5, please proceed to Issue B.*

*If you responded YES to Question 5, please proceed to Question 6.*

6. ~~Do you find that Plaintiff established by a preponderance of the evidence that the alleged deceptive business practices were aimed at consumers?~~

YES \_\_\_\_\_ NO \_\_\_\_\_

*Please proceed to Issue B.*

**Issue B: New York General Business Law § 350**

~~As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:~~

- ~~1) that an advertisement disseminated by Prevagen, Inc., a corporation d/b/a Sugar River Supplements had an impact on consumers at large;~~
- ~~(2) was deceptive or misleading in a material way; and~~
- ~~(3) resulted in injury to consumers.~~

¶2. Do you find that Plaintiff established by a preponderance of the evidence that ~~Prevagen, Inc., a corporation d/b/a Sugar River Supplements~~ Quincy Bioscience disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If you responded YES to Question ¶2, please proceed to Question 23.*

23. Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?

Prevagen improves memory \_\_\_\_\_

Prevagen is clinically shown to improve memory \_\_\_\_\_

Prevagen improves memory within 90 days \_\_\_\_\_

Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_

Prevagen reduces memory problems associated with aging \_\_\_\_\_

Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

34. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 23? Please indicate YES or NO with respect to each claim that you selected in Question 23 (and only those claims).

Prevagen improves memory \_\_\_\_\_

Prevagen is clinically shown to improve memory \_\_\_\_\_

Prevagen improves memory within 90 days \_\_\_\_\_

Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_

Prevagen reduces memory problems associated with aging \_\_\_\_\_

Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_

*If you answered YES to any of the claims identified in Question 34, you have identified implied claims. Please proceed to Question 45.*

*If you answered NO to any of the claims identified in Question 34, you have identified express claims. Please proceed to Question 56.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5 and 6.*

45. For the claims to which you answered YES in Question 34 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.

Prevagen improves memory \_\_\_\_\_

Prevagen is clinically shown to improve memory \_\_\_\_\_

Prevagen improves memory within 90 days \_\_\_\_\_

Prevagen is clinically shown to improve memory within 90 days \_\_\_\_

Prevagen reduces memory problems associated with aging \_\_\_\_

| Prevagen is clinically shown to reduce memory problems associated  
with aging \_\_\_\_\_

Prevagen provides other cognitive benefits, including but not limited to healthy  
brain function, a sharper mind, and clearer thinking \_\_\_\_\_

Prevagen is clinically shown to provide other cognitive benefits, including but not  
limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_  
\_\_\_\_\_

5.6. For the claims to which you answered NO in Question 34 (i.e. express claims) and YES  
in Question 45 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic  
evidence), do you find that Plaintiff established by a preponderance of the evidence that the  
claims resulted in injury to consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

7. Which of the Quincy Bioscience entities do you find engaged acts that were deceptive or  
misleading in a material way:

Quincy Bioscience Holding Company, Inc.

| *Please proceed to the next page.*

**IV. Quincy Bioscience Manufacturing, LLC**

**Issue A: New York General Business Law § 349**

~~As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:~~

- ~~(1) that Quincy Bioscience Manufacturing, LLC engaged in an act or practice that is deceptive or misleading in a material way;~~
- ~~(2) that consumers suffered injury as a result; and~~
- ~~(3) that the alleged deceptive business practices were aimed at consumers.~~

~~1. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience Manufacturing, LLC engaged in an act or practice that is deceptive or misleading in a material way?~~

~~YES \_\_\_\_\_ NO \_\_\_\_\_~~

*If you responded NO to Question 1, please proceed to Issue B.*

*If you responded YES to Question 1, please proceed to Question 2.*

~~2. Which of the following claims do you find to be deceptive or misleading in a material way?~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims).~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

*If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.*

*If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5.*

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging~~ \_\_\_\_\_

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

5. ~~For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that consumers suffered an injury as a result of those claims?~~

~~YES~~ \_\_\_\_\_ ~~NO~~ \_\_\_\_\_

*If you responded NO to Question 5, please proceed to Issue B.*

*If you responded YES to Question 5, please proceed to Question 6.*

6. ~~Do you find that Plaintiff established by a preponderance of the evidence that the alleged deceptive business practices were aimed at consumers?~~

~~YES~~ \_\_\_\_\_ ~~NO~~ \_\_\_\_\_

*Please proceed to Issue B.*

**Issue B: New York General Business Law § 350**

~~As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:~~

~~1) that an advertisement disseminated by Quincy Bioscience Manufacturing, LLC had an impact on consumers at large; \_\_\_\_\_~~

Quincy Bioscience Manufacturing, LLC \_\_\_\_\_

Prevagen, Inc. \_\_\_\_\_

~~(2) was deceptive or misleading in a material way; and~~

~~(3) resulted in injury to consumers.~~

~~1. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience Manufacturing, LLC disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large?~~

~~YES NO~~

*If you responded YES to Question 1, please proceed to Question 2.*

~~2. Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims).~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging \_\_\_\_\_~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking \_\_\_\_\_~~

*If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.*

*If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.*

*If you answered YES to some and NO to some, please proceed to Questions 4 and 5.*

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory \_\_\_\_\_~~

~~Prevagen improves memory within 90 days \_\_\_\_\_~~

~~Prevagen is clinically shown to improve memory within 90 days \_\_\_\_\_~~

~~Prevagen reduces memory problems associated with aging \_\_\_\_\_~~

~~Prevagen is clinically shown to reduce memory problems associated with aging~~ \_\_\_\_\_

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ \_\_\_\_\_

5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that the claims resulted in injury to consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

| *Please proceed to the next page* e

*You are finished. Each juror who agrees with this verdict must sign below:*

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